

## 2084 DETERMINING RSA 126-U DOCUMENTATION AND NOTIFICATIONS

Chapter: **Sununu Youth Services Center**

Section: **Safety and Security**



New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **16-33**

Approved:

Effective Date: **November 2016**

Scheduled Review Date:

A handwritten signature in cursive script, reading "Lorraine Bartlett".

Lorraine Bartlett, DCYF Director

Related Statute(s): [RSA 126-U](#), [RSA 186-C:2](#),  
[RSA 621](#) and [RSA 621-A](#)

Related Admin Rule(s):

Related Federal Regulation(s):

Related Form(s): [FORM 2080](#), [FORM 2082](#),  
[FORM 2083U](#), [FORM 2083Y](#), [FORM 2084](#),  
[FORM 2088](#), and [FORM 2131](#)

Bridges' Screen(s) and Attachment(s):

The Sununu Youth Services Center (SYSC) is committed to a safe, therapeutic environment for youth at the facility. When circumstance arise that staff must intervene to maintain the safety, the SYSC is diligent in complying with mandatory reporting requirements under RSA 126-U with courtesy and respect to the parties involved and the family being notified. Through accurate documentation and appropriate notifications, the SYSC strives to keep youth's treatment team informed about the youth's progress and needs, and address the challenges that are impeding the youth's treatment.

### Purpose

This policy outlines the procedures for compliance with RSA 126-U. It supplements other SYSC policies that address restrictive interventions at the facility. The policy provides guidance for determining whether or not a particular intervention constitutes seclusion or restraint under the law and outlines the notice and record keeping requirements for seclusion and restraints under RSA 126-U.

### Definitions

**"DCYF"** or the **"Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.

**"DHHS"** or the **"Department"** means the New Hampshire Department of Health and Human Services.

**"Restraint"** means a physical, mechanical, or medicinal intervention that immobilizes a youth or restricts the freedom of movement of his/her torso, head, arms, or legs.

**"Restrictive Intervention"** means a procedure that falls on the continuum of behavioral management techniques, utilized by trained staff to: hold; restrict; escort; move; transport; physically, mechanically, or medicinally restrain; seclude; isolate; or segregate a youth from free movement or participation in SYSC programs. Not all restrictive interventions are reportable under RSA 126-U.

**"Seclusion"** means the involuntary separation of a child alone in a place where no other person is present and from which the particular child is unable to exit, either due to physical manipulation or by a person, a lock, or other mechanical device or barrier.

**"SYSC,"** or the **"John H. Sununu Youth Services Center,"** or the **"Youth Detention Services Unit"** means the architecturally secure juvenile treatment facility administered by the Division for Children, Youth and Families for committed juveniles and detained youth, and for NH youth involved with the NH court system prior to their adjudication.

## Policy

- I. Staff will be familiar with youth's Personal Safety Plans (Form 2131) as developed pursuant to [policy 2131, Safety Planning and Proactive De-Escalation](#).
- II. [Seclusion](#) or [restraint](#) shall be used by trained staff pursuant to their respective policies, using extreme caution when all other interventions have failed or have been deemed inappropriate.
- III. Any time staff use a restrictive intervention to control the behavior and manage the safety of a youth, the restrictive intervention must be reviewed to determine if it constitutes a seclusion or restraint under RSA 126-U, and the appropriate notice to the parent or guardian must be made if necessary.
  - A. The Supervisor On-Duty shall direct a staff member involved with the restrictive intervention to report the incident in CourtStream as soon as possible, but no later than the end of the staff's shift in which the restrictive intervention occurred.
    1. Other staff members participating in or witnessing the restrictive intervention shall provide ancillary documents to the reported incident by completing a SYSC Staff Witness Report (Form 2088) within 24 hours.
  - B. The Supervisor On-Duty shall contact an SYSC Administrator to review the intervention, no later than the end of the Supervisor's shift, to determine if the intervention meets RSA 126-U documentation and notification requirements.
    1. For interventions meeting the requirements, the RSA 126-U Reportable Seclusion/Restraint Notification Report (Form 2082) must be completed – see Section IV below.
    2. For interventions not meeting the requirements, the SYSC Restrictive Intervention/De-Escalation Report (Form 2080) must be completed – see Section V below.
  - C. The Supervisor On-Duty shall ensure verbal notice of the restrictive intervention is provided to the youth's parent/guardian, and guardian ad litem if assigned, prior to the end of the shift in which the intervention occurred, when possible. In all cases, notice of the intervention must be provided to the youth's parent/guardian, and guardian ad litem if assigned, within 24 hours of the restrictive intervention.
- IV. Record keeping and reporting requirements of interventions **determined to be seclusion or restraint under RSA 126-U**:
  - A. The staff that responded directly to the youth shall submit the RSA 126-U Reportable Seclusion/Restraint Notification Report (Form 2082) containing the following information on the day of the use of seclusion or restraint:
    1. The date, time, and duration of the use of seclusion and/or restraint;
    2. A description of the actions of the youth before, during, and after the use of seclusion and/or restraint;
    3. A description of any other relevant event preceding the use of seclusion or restraint, including the justification for initiating the use of seclusion and/or restraint;

4. The names of the persons involved in the use of seclusion and/or restraint;
  5. A description of the actions of the of SYSC staff involved before, during, and after the use of seclusion and/or restraint;
  6. A description of any intervention used prior to the use of seclusion and/or restraint;
  7. A description of the seclusion and/or restraint used, including any hold used and the reason the hold was necessary;
  8. A description of any injuries sustained by, and any medical care administered to, the youth, staff, or others before, during or after the use of seclusion and/or restraint;
  9. A description of any property damage associated with the incident and subsequent use of seclusion and/or restraint;
  10. A description of action taken to address the emotional needs of the youth during and following the use of seclusion and/or restraint;
  11. A description of future actions to be taken to control the youth's behaviors; and
  12. The name and position of the staff completing Form 2082.
- B. The supervisor or designee will inform the Bureau of Organizational Learning and Quality Improvement staff of the reported incident and the RSA 126-U Reportable Seclusion/Restraint Notification Report (Form 2082) which must be reviewed for quality assurance within five (5) business days of the incident's occurrence.
1. The Bureau of Organizational Learning and Quality Improvement Staff will review Form 2082 for completeness, follow-up on any incomplete information, and redact any confidential information that is included.
  2. A copy of the RSA 126-U Reportable Seclusion/Restraint Notification Report (Form 2082) will be provided to SYSC Administration.
- C. Unless prohibited by court order, the Director of Operations-SYSC or designee shall, within two (2) business days of receipt of the RSA 126-U Reportable Seclusion/Restraint Notification Report (Form 2082), send or transmit by first class mail or electronic transmission to the youth's parent/guardian, and the guardian ad litem if assigned:
1. A copy of the RSA 126-U Reportable Seclusion/Restraint Notification Report (Form 2082); and
  2. Form 2083Y, Notice Pursuant to RSA 126-U – Youth Incident, for youth specific incidents; or
  3. Form 2083U, Notice Pursuant to RSA 126-U – Unit Seclusion, for unit-wide implementation of seclusion based on a safety concern.

- D. The Director of Operations-SYSC or designee shall retain a copy of each RSA 126-U Reportable Seclusion/Restraint Notification Report (Form 2082) for review and reporting to DHHS in accordance with RSA 126-U:9.
- V. Record keeping and reporting requirements of restrictive interventions **not determined to be seclusion or restraint under RSA 126-U:**
  - A. Whenever staff has intentional physical contact with a child that is not determined to be seclusion or restraint under RSA 126-U which is in response to a youth's aggression, misconduct, or disruptive behavior, the Supervisor On-Duty shall ensure verbal notification is made to the youth's parent or guardian pursuant to section III-C above.
  - B. The Supervisor On-Duty shall ensure the SYSC Restrictive Intervention/De-Escalation Report (Form 2080) is completed the same day as an incident, and includes at least the following information:
    - 1. The date and time of the incident;
    - 2. A brief description of the actions of the youth before, during, and after the occurrence;
    - 3. The names of the persons involved in the occurrence;
    - 4. A brief description of the actions of the SYSC staff involved before, during, and after the occurrence; and
    - 5. A description of any injuries sustained by, and any medical care administered to, the youth, employees, or others before, during, or after the incident.
  - C. The notification and record-keeping requirements of sections A and B immediately above, shall not apply in the following circumstances:
    - 1. When the incident does not qualify as a restrictive intervention.
    - 2. The guiding of a youth from an area by way of holding of the hand, wrist, arm, shoulder, or back to induce the youth to walk to a safe location. However, if the youth is actively combative, assaultive, or self-injurious, requiring an escort more than a guide, the requirements of section A and B immediately above shall apply;
    - 3. When actions are taken such as separating youth from each other, inducing a youth to stand, or otherwise physically preparing a youth to move;
    - 4. When the contact with the youth is incidental or minor, such as for the purpose of gaining a misbehaving youth's attention. However, blocking of a blow, forcible release from a grasp, or other significant and intentional physical contact with a disruptive or assaultive youth shall be subject to the requirements as a restrictive intervention.
    - 5. When an incident is subject to the requirements of Section IV.
- VI. Additional notification required if serious injury (as defined in RSA 126-U:1, VI) or death occurs during incidents of restrictive intervention:

- A. The Director of Operations-SYSC shall report any restrictive intervention that results in serious injury or death of a youth to:
    1. The Director of the Division for Children, Youth and Families;
    2. The Commissioner of the Department of Health and Human Services;
    3. The Attorney General's Office;
    4. The Disabilities Rights Center; and
    5. The Commissioner of the Department of Education, when the serious injury or death occurred while the youth was attending the SYSC Educational Program
  - B. This report shall include a copy of the RSA 126-U Reportable Seclusion/Restraint Notification Report (Form 2082) provided for in Section IV of this policy.
- VII. Whenever a [mechanical restraint](#) as defined in RSA 126-U:1, IV(b) is used during the transport of the youth off the SYSC campus, the Director of Operations-SYSC or designee shall complete the SYSC Secure Transportation Report (Form 2084) to document the justification for the use of the mechanical restraints.
- A. The SYSC Secure Transportation Report (Form 2084) shall be treated as the notice of restraint under RSA 126-U:7 and no further notice shall be required.
  - B. The Director of Operations-SYSC or designee shall retain each SYSC Secure Transportation Report (Form 2084) prepared under this section for review and reporting to DHHS in accordance with RSA 126-U:9.
- VIII. SYSC school shall hold a review following first time use of seclusion or restraint during educational programming for educationally disabled youth.
- A. Upon information that seclusion or restraint has been used for the first time upon a youth with a disability as defined in RSA 186-C:2, I or a youth who is receiving services under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 701, and its implementing regulations, the SYSC Principal or designee shall review the youth's Individual Educational Plan and/or Section 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of seclusion or restraint.
  - B. The youth's parent/guardian may request such a review at any time following an instance of seclusion or restraint and such request shall be granted if there have been multiple instances of seclusion or restraint since the last review.

### Practice Guidance

#### Where should I access the forms identified in this policy?

- The following forms must be completed in [CourtStream](#), and should only be completed on the paper templates in an emergency during which access to the web has been disabled.
  - Form 2080 SYSC Restrictive Intervention/De-Escalation Report;
  - Form 2082 SYSC 126-U Reportable Seclusion/Restraint Notification Report;
  - Form 2084 SYSC Secure Transportation Report; and

- Form 2088 SYSC Staff Witness Report.
- The Notice Pursuant to RSA 126-U (Form 2083U and 2083Y) and Resident Personal Safety Plan (Form 2131) can be accessed through the [Division's Intranet Forms Manual](#).